

AMENDED IN ASSEMBLY JULY 24, 2003

AMENDED IN ASSEMBLY JUNE 26, 2003

AMENDED IN SENATE APRIL 24, 2003

SENATE BILL

No. 363

Introduced by Senator Figueroa
(Coauthors: Senators Aanestad and Vincent)
(Coauthors: Assembly Members Correa, Nation, and Runner)

February 19, 2003

An act to amend Sections 144, 473, 2307, 3740, 4980.34, 4980.40, 4980.41, 4980.50, 4980.54, 4980.80, 4984.4, 4996.1, 4996.6, 4996.17, 5801, 5810, 7069, 7607, 7631, 7632, 7649, 7706, 7725, 7887, 9653, 9719, 9768, ~~and 9788~~ 9788, *and 22251* of, to add Sections 2029, 2488, and 9781.5 to, and to repeal and add Section 5811 of, the Business and Professions Code, and to amend ~~Section~~ *Sections 7053 and 8277* of the Health and Safety Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 363, as amended, Figueroa. Department of Consumer Affairs regulation.

(1) Existing law requires specified regulatory boards within the Department of Consumer Affairs to obtain fingerprints from a licensing applicant to conduct a criminal history check.

This bill would extend this requirement to the *Bureau of Naturopathic Medicine* and, *effective July 1, 2004*, to the *Contractor's State License Board* and the Structural Pest Control Board.

(2) Existing law establishes the Joint Legislative Sunset Review Committee and authorizes the committee to act until January 1, 2004.

This bill would extend the committee's authority to January 1, 2012.

(3) Existing law, the Medical Practice Act, creates the Medical Board of California and makes it responsible, through its Division of Medical Quality, for disciplining a physician and surgeon for acts of unprofessional conduct. Under the act, a physician and surgeon whose certificate is revoked, suspended, or placed on probation for unprofessional conduct may petition for reinstatement or modification after a specified time period. *The act also creates within the board's jurisdiction, the California Board of Podiatric Medicine. Under existing law, upon the recommendation of that board, the Division of Licensing of the Medical Board of California is required to issue a certificate to practice podiatric medicine to an applicant who meets specified criteria.*

This bill would require the ~~board~~ *Medical Board of California* to maintain for 10 years a complaint regarding poor care rendered by a physician and surgeon. The bill would authorize a person who surrendered his or her physician's and surgeon's certificate while under investigation or while charges were pending to petition for its reinstatement. *The bill would also require the Division of Licensing of the Medical Board of California to issue upon the recommendation of the Board of Podiatric Medicine, a certificate to practice podiatric medicine to a person licensed by another state who meets specified criteria.*

(4) Existing law, the Respiratory Care Practice Act, creates the Respiratory Care Board of California and makes it responsible for enforcing and administering the act's requirements. The act specifies licensing requirements for its licensees.

This bill would revise certain of those specified licensing requirements.

(5) Existing law creates the Board of Behavioral Services and makes it responsible for licensing and regulating the practices of marriage and family therapy and social work.

This bill would revise the licensing examination requirements for these practices.

(6) Existing law defines certified interior designers and interior design organizations, and permits a certified interior designer to obtain and use a stamp identifying the designer. All documents submitted to a government regulatory agency by a certified interior designer must be affixed by the stamp. The provisions governing certified interior designers will be repealed on January 1, 2004.



This bill would extend the repeal date of these provisions to January 1, 2006. The bill would additionally revise the obligations of an interior design organization issuing the stamps.

(7) *Existing law, the Contractors' State License Law, creates the Contractors' State License Board that is responsible for issuing a contractor's license to qualified applicants. Under the law, an applicant is required beginning on January 1, 2004, to submit a set of fingerprints to the board for purposes of conducting a criminal history record check.*

This bill would delay the effective date of this requirement to July 1, 2004.

(8) Existing law, the Funeral Directors and Embalmers Law, makes the Cemetery and Funeral Bureau responsible for licensing and regulating the practice of a funeral director. The law makes a violation of its provisions a crime.

This bill would extend the bureau's inspection authority to include premises where human remains are stored and would also revise specified licensing provisions. The bill would expand certain regulatory provisions under the act. Because the violation of these requirements would be a crime, the bill would impose a state-mandated local program.

~~(8)~~

(9) Existing law, the Geologist and Geophysicist Act, creates the Board for Geologists and Geophysicists and makes it responsible for licensing and regulating the practices of geology and geophysics. Under the act, the board is required to fix licensure fees at designated amounts. The act requires that these fees be deposited into the Geology and Geophysics Fund, which is continuously appropriated.

This bill would increase the amount fixed by the board for the renewal of specified licenses under the act. Because the bill would increase the amount of fee revenue deposited in a continuously appropriated fund, it would make an appropriation.

~~(9)~~

(10) *Existing law imposes specified requirements on a tax preparer and defines terms for those purposes. Under existing law the term "council" is defined as the California Tax Education Council, and the definition describes certain characteristics of the entities that compose the council.*

This bill would revise the description of certain characteristics of the entities that compose the council.



(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 144 of the Business and Professions
2 Code is amended to read:
3 144. (a) Notwithstanding any other provision of law, an
4 agency designated in subdivision (b) shall require an applicant to
5 furnish to the agency a full set of fingerprints for purposes of
6 conducting criminal history record checks. Any agency
7 designated in subdivision (b) may obtain and receive, at its
8 discretion, criminal history information from the Department of
9 Justice and the United States Federal Bureau of Investigation.
10 (b) Subdivision (a) applies to the following ~~boards or~~
11 ~~committees~~:
12 (1) California Board of Accountancy.
13 (2) State Athletic Commission.
14 (3) Board of Behavioral Sciences.
15 (4) Court Reporters Board of California.
16 (5) State Board of Guide Dogs for the Blind.
17 (6) California State Board of Pharmacy.
18 (7) Board of Registered Nursing.
19 (8) Veterinary Medical Board.
20 (9) Registered Veterinary Technician Committee.
21 (10) Board of Vocational Nursing and Psychiatric Technicians.
22 (11) Respiratory Care Board of California.
23 (12) Hearing Aid Dispensers Advisory Commission.
24 (13) Physical Therapy Board of California.
25 (14) Physician Assistant Committee of the Medical Board of
26 California.
27 (15) Speech-Language Pathology and Audiology Board.
28 (16) Medical Board of California.
29 (17) State Board of Optometry.

- 1 (18) Acupuncture Board.
- 2 (19) Cemetery and Funeral Bureau.
- 3 (20) Bureau of Security and Investigative Services.
- 4 (21) Division of Investigation.
- 5 (22) Board of Psychology.
- 6 (23) The California Board of Occupational Therapy.
- 7 (24) Structural Pest Control Board.
- 8 (25) *Contractors' State License Board*.
- 9 (26) *Bureau of Naturopathic Medicine*.

10 (c) *The provisions of paragraphs (24) and (25) of subdivision*
11 *(b) shall become operative on July 1, 2004.*

12 SEC. 2. Section 473 of the Business and Professions Code is
13 amended to read:

14 473. (a) There is hereby established the Joint Legislative
15 Sunset Review Committee.

16 (b) The Joint Legislative Sunset Review Committee shall
17 consist of three members appointed by the Senate Committee on
18 Rules and three members appointed by the Speaker of the
19 Assembly. No more than two of the three members appointed from
20 either the Senate or the Assembly shall be from the same party. The
21 Joint Rules Committee shall appoint the chairperson of the
22 committee.

23 (c) The Joint Legislative Sunset Review Committee shall have
24 and exercise all of the rights, duties, and powers conferred upon
25 investigating committees and their members by the Joint Rules of
26 the Senate and Assembly as they are adopted and amended from
27 time to time, which provisions are incorporated herein and made
28 applicable to this committee and its members.

29 (d) The Speaker of the Assembly and the Senate Committee on
30 Rules may designate staff for the Joint Legislative Sunset Review
31 Committee.

32 (e) The Joint Legislative Sunset Review Committee is
33 authorized to act until January 1, 2012, at which time the
34 committee's existence shall terminate.

35 SEC. 3. Section 2029 is added to the Business and Professions
36 Code, to read:

37 2029. The board shall keep a copy of a complaint it receives
38 regarding the poor quality of care rendered by a licensee for 10
39 years from the date the board receives the complaint. For retrieval

1 purposes, these complaints shall be filed by the licensee's name
2 and license number.

3 SEC. 4. Section 2307 of the Business and Professions Code
4 is amended to read:

5 2307. (a) A person whose certificate has been surrendered
6 while under investigation or while charges are pending or *whose*
7 *certificate* has been revoked or suspended or ~~has been~~ placed on
8 probation, may petition the Division of Medical Quality for
9 reinstatement or modification of penalty, including modification
10 or termination of probation.

11 (b) The person may file the petition after a period of not less
12 than the following minimum periods have elapsed from the
13 effective date of the surrender of the certificate or the decision
14 ordering that disciplinary action:

15 (1) At least three years for reinstatement of a license
16 surrendered or revoked for unprofessional conduct, except that the
17 division may, for good cause shown, specify in a revocation order
18 that a petition for reinstatement may be filed after two years.

19 (2) At least two years for early termination of probation of three
20 years or more.

21 (3) At least one year for modification of a condition, or
22 reinstatement of a license surrendered or revoked for mental or
23 physical illness, or termination of probation of less than three
24 years.

25 (c) The petition shall state any facts as may be required by the
26 division. The petition shall be accompanied by at least two verified
27 recommendations from physicians and surgeons licensed by the
28 board who have personal knowledge of the activities of the
29 petitioner since the disciplinary penalty was imposed.

30 (d) The petition may be heard by a panel of the division. The
31 division may assign the petition to an administrative law judge
32 designated in Section 11371 of the Government Code. After a
33 hearing on the petition, the administrative law judge shall provide
34 a proposed decision to the division or the California Board of
35 Podiatric Medicine, as applicable, which shall be acted upon in
36 accordance with Section 2335.

37 (e) The panel of the division or the administrative law judge
38 hearing the petition may consider all activities of the petitioner
39 since the disciplinary action was taken, the offense for which the
40 petitioner was disciplined, the petitioner's activities during the

time the certificate was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability. The hearing may be continued from time to time as the administrative law judge designated in Section 11371 of the Government Code finds necessary.

(f) The administrative law judge designated in Section 11371 of the Government Code reinstating a certificate or modifying a penalty may recommend the imposition of any terms and conditions deemed necessary.

(g) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. No petition shall be considered while there is an accusation or petition to revoke probation pending against the person. The division may deny without a hearing or argument any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.

(h) This section is applicable to and may be carried out with regard to licensees of the California Board of Podiatric Medicine. In lieu of two verified recommendations from physicians and surgeons, the petition shall be accompanied by at least two verified recommendations from podiatrists licensed by the board who have personal knowledge of the activities of the petitioner since the date the disciplinary penalty was imposed.

(i) Nothing in this section shall be deemed to alter Sections 822 and 823 of the Business and Professions Code.

SEC. 4.5. Section 2488 is added to the Business and Professions Code, to read:

2488. Notwithstanding any other provision of law, the division shall issue, upon the recommendation of the board, a certificate to practice podiatric medicine by credentialing if the applicant is licensed as a doctor of podiatric medicine in any other state and meets all of the following requirements:

(a) The applicant has graduated from an approved school or college of podiatric medicine.

(b) The applicant, within the past 10 years, has passed either part III of the examination administered by the National Board of Podiatric Medical Examiners of the United States or a written examination that is recognized by the board to be the equivalent

1 *in content to the examination administered by the National Board*
2 *of Podiatric Medical Examiners of the United States.*

3 (c) *The applicant has satisfactorily completed a postgraduate*
4 *training program approved by the Council on Podiatric Medical*
5 *Education.*

6 (d) *The applicant, within the past 10 years, has passed any oral*
7 *and practical examination that may be required of all applicants*
8 *by the board to ascertain clinical competence.*

9 (e) *The applicant has committed no acts or crimes constituting*
10 *grounds for denial of a certificate under Division 1.5 (commencing*
11 *with Section 475).*

12 (f) *The board determines that no disciplinary action has been*
13 *taken against the applicant by any podiatric licensing authority*
14 *and that the applicant has not been the subject of adverse*
15 *judgments or settlements resulting from the practice of podiatric*
16 *medicine that the board determines constitutes evidence of a*
17 *pattern of negligence or incompetence.*

18 (g) *A disciplinary data bank report regarding the applicant has*
19 *been submitted to the board directly from the Federation of*
20 *Podiatric Medical Boards.*

21 SEC. 5. Section 3740 of the Business and Professions Code
22 is amended to read:

23 3740. (a) Except as otherwise provided in this chapter, all
24 applicants for licensure under this chapter shall have completed an
25 education program for respiratory care that is accredited by the
26 Commission on Accreditation of Allied Health Education
27 Programs and been awarded a minimum of an associate degree
28 from an institution or university accredited by a regional
29 accreditation agency or association recognized by the United
30 States Department of Education.

31 (b) Notwithstanding subdivision (a), meeting the following
32 qualifications shall be deemed equivalent to the required
33 education:

34 (1) Enrollment in a baccalaureate degree program in an
35 institution or university accredited by a regional accreditation
36 agency or association recognized by the United States Department
37 of Education.

38 (2) Completion of science, general academic, and respiratory
39 therapy coursework commensurate with the requirements for an
40 associate degree in subdivision (a).

(c) An applicant whose application is based on a diploma issued to the applicant by a foreign respiratory therapy school or a certificate or license issued by another state, district, or territory of the United States that does not meet the requirements in subdivision (a) or (b), shall enroll in an advanced standing and approved respiratory educational program for evaluation of his or her education and training and furnish documentary evidence, satisfactory to the board, that he or she satisfies all of the following requirements:

(1) Holds an associate degree or higher level degree equivalent to that required in subdivision (a) or (b).

(2) Completion of a respiratory therapy educational program equivalent to that required in subdivision (a) or (b).

(3) Possession of knowledge and skills to competently and safely practice respiratory care in accordance with national standards.

(d) Notwithstanding subdivision (c), an applicant whose application is based on education provided by a Canadian institution or university that does not meet the requirements in subdivision (a) or (b), shall furnish documentary evidence, satisfactory to the board, that he or she satisfies both of the following requirements:

(1) Holds a degree equivalent to that required in subdivision (a) or (b).

(2) Completion of a respiratory therapy educational program recognized by the Canadian Board of Respiratory Care.

(e) A school shall give the director of a respiratory care program adequate release time to perform his or her administrative duties consistent with the established policies of the educational institution.

(f) Satisfactory evidence as to educational qualifications shall take the form of certified transcripts of the applicant's college record mailed directly to the board from the educational institution. However, the board may require an evaluation of educational credentials by an evaluation service approved by the board.

(g) At the board's discretion, it may waive its educational requirements if evidence is presented and the board deems it as meeting the current educational requirements that will ensure the

1 safe and competent practice of respiratory care. This evidence may
2 include, but is not limited to:

3 (1) Work experience.

4 (2) Good standing of licensure in another state.

5 (3) Previous good standing of licensure in the State of
6 California.

7 (h) Nothing contained in this section shall prohibit the board
8 from disapproving any respiratory therapy school, nor from
9 denying the applicant if the instruction, including modalities and
10 advancements in technology, received by the applicant or the
11 courses were not equivalent to that required by the board.

12 SEC. 6. Section 4980.34 of the Business and Professions
13 Code is amended to read:

14 4980.34. It is the intent of the Legislature that the board
15 employ its resources for each and all of the following functions:

16 (a) The licensing of marriage and family therapists, clinical
17 social workers, and educational psychologists.

18 (b) The development and administration of licensing
19 examinations and examination procedures, as specified, consistent
20 with prevailing standards for the validation and use of licensing
21 and certification tests. Examinations shall measure knowledge and
22 abilities demonstrably important to the safe, effective practice of
23 the profession.

24 (c) Enforcement of laws designed to protect the public from
25 incompetent, unethical, or unprofessional practitioners.

26 (d) Consumer education.

27 SEC. 7. Section 4980.40 of the Business and Professions
28 Code is amended to read:

29 4980.40. To qualify for a license, an applicant shall have all
30 the following qualifications:

31 (a) Applicants applying for licensure on or after January 1,
32 1988, shall possess a doctor's or master's degree in marriage,
33 family, and child counseling, marital and family therapy,
34 psychology, clinical psychology, counseling psychology, or
35 counseling with an emphasis in either marriage, family, and child
36 counseling or marriage and family therapy, obtained from a
37 school, college, or university accredited by the Western
38 Association of Schools and Colleges, or approved by the Bureau
39 for Private Postsecondary and Vocational Education. The board
40 has the authority to make the final determination as to whether a

degree meets all requirements, including, but not limited to, course requirements regardless of accreditation or approval. For purposes of this chapter, the term “approved by the Bureau for Private Postsecondary and Vocational Education” shall mean unconditional approval existing at the time of the applicant’s graduation from the school, college, or university. In order to qualify for licensure pursuant to this subdivision, any doctor’s or master’s degree program shall be a single, integrated program primarily designed to train marriage and family therapists and shall contain no less than 48 semester or 72 quarter units of instruction. The instruction shall include no less than 12 semester units or 18 quarter units of coursework in the areas of marriage, family, and child counseling, and marital and family systems approaches to treatment.

The coursework shall include all of the following areas:

(1) The salient theories of a variety of psychotherapeutic orientations directly related to marriage and family therapy, and marital and family systems approaches to treatment.

(2) Theories of marriage and family therapy and how they can be utilized in order to intervene therapeutically with couples, families, adults, children, and groups.

(3) Developmental issues and life events from infancy to old age and their effect upon individuals, couples, and family relationships. This may include coursework that focuses on specific family life events and the psychological, psychotherapeutic, and health implications that arise within couples and families, including, but not limited to, childbirth, child rearing, childhood, adolescence, adulthood, marriage, divorce, blended families, stepparenting, and geropsychology.

(4) A variety of approaches to the treatment of children.

The board shall, by regulation, set forth the subjects of instruction required in this subdivision.

(b) (1) In addition to the 12 semester or 18 quarter units of coursework specified above, the doctor’s or master’s degree program shall contain not less than six semester or nine quarter units of supervised practicum in applied psychotherapeutic techniques, assessment, diagnosis, prognosis, and treatment of premarital, couple, family, and child relationships, including dysfunctions, healthy functioning, health promotion, and illness prevention, in a supervised clinical placement that provides

1 supervised fieldwork experience within the scope of practice of a
2 marriage and family therapist.

3 (2) For applicants who enrolled in a degree program on or after
4 January 1, 1995, the practicum shall include a minimum of 150
5 hours of face-to-face experience counseling individuals, couples,
6 families, or groups.

7 (3) (A) Supervised practicum hours, as specified in this
8 subdivision, shall be evaluated, accepted, and credited as hours for
9 trainee experience by the board.

10 (B) The practicum hours shall be considered as part of the 48
11 semester or 72 quarter unit requirement.

12 (c) As an alternative to meeting the qualifications specified in
13 subdivision (a), the board shall accept as equivalent degrees, those
14 master's or doctor's degrees granted by educational institutions
15 whose degree program is approved by the Commission on
16 Accreditation for Marriage and Family Therapy Education.

17 (d) All applicants shall, in addition, complete the coursework
18 or training specified in Section 4980.41.

19 (e) All applicants shall be at least 18 years of age.

20 (f) All applicants shall have at least two years' experience that
21 meets the requirements of this chapter in interpersonal
22 relationships, marriage and family therapy and psychotherapy
23 under the supervision of a licensed marriage and family therapist,
24 licensed clinical social worker, licensed psychologist, or a licensed
25 physician certified in psychiatry by the American Board of
26 Psychiatry and Neurology. Experience shall not be gained under
27 the supervision of an individual who has provided therapeutic
28 services to that applicant. For those supervisorial relationships in
29 effect on or before December 31, 1988, and which remain in
30 continuous effect thereafter, experience may be gained under the
31 supervision of a licensed physician who has completed a residency
32 in psychiatry. Any person supervising another person pursuant to
33 this subdivision shall have been licensed or certified for at least
34 two years prior to acting as a supervisor, shall have a current and
35 valid license that is not under suspension or probation, and shall
36 meet the requirements established by regulations.

37 (g) The applicant shall pass a board administered written or
38 oral examination or both examinations. An applicant who has
39 successfully passed a previously administered written

1 examination may be subsequently required to take and pass
2 another written examination.

3 (h) The applicant shall not have committed acts or crimes
4 constituting grounds for denial of licensure under Section 480.
5 The board shall not issue a registration or license to any person
6 who has been convicted of any crime in this or another state or in
7 a territory of the United States that involves sexual abuse of
8 children or who is required to register pursuant to Section 290 of
9 the Penal Code or the equivalent in another state or territory.

10 (i) (1) An applicant applying for intern registration who, prior
11 to December 31, 1987, met the qualifications for registration, but
12 who failed to apply or qualify for intern registration may be
13 granted an intern registration if the applicant meets all of the
14 following criteria:

15 (A) The applicant possesses a doctor's or master's degree in
16 marriage, family, and child counseling, marital and family
17 therapy, psychology, clinical psychology, counseling psychology,
18 counseling with an emphasis in marriage, family, and child
19 counseling, or social work with an emphasis in clinical social work
20 obtained from a school, college, or university currently conferring
21 that degree that, at the time the degree was conferred, was
22 accredited by the Western Association of Schools and Colleges,
23 and where the degree conferred was, at the time it was conferred,
24 specifically intended to satisfy the educational requirements for
25 licensure by the Board of Behavioral Sciences.

26 (B) The applicant's degree and the course content of the
27 instruction underlying that degree have been evaluated by the chief
28 academic officer of a school, college, or university accredited by
29 the Western Association of Schools and Colleges to determine the
30 extent to which the applicant's degree program satisfies the current
31 educational requirements for licensure, and the chief academic
32 officer certifies to the board the amount and type of instruction
33 needed to meet the current requirements.

34 (C) The applicant completes a plan of instruction that has been
35 approved by the board at a school, college, or university accredited
36 by the Western Association of Schools and Colleges that the chief
37 academic officer of the educational institution has, pursuant to
38 subparagraph (B), certified will meet the current educational
39 requirements when considered in conjunction with the original
40 degree.

(2) A person applying under this subdivision shall be considered a trainee, as that term is defined in Section 4980.03, once he or she is enrolled to complete the additional coursework necessary to meet the current educational requirements for licensure.

(j) An applicant for licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a qualifying degree that is equivalent to a degree earned from a school, college, or university accredited by the Western Association of Schools and Colleges, or approved by the Bureau of Private Postsecondary and Vocational Education. These applicants shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and shall provide any other documentation the board deems necessary.

SEC. 8. Section 4980.41 of the Business and Professions Code is amended to read:

4980.41. All applicants for licensure shall complete the following coursework or training in order to be eligible to sit for the licensing examinations as specified in subdivision (g) of Section 4980.40:

(a) A two semester or three quarter unit course in California law and professional ethics for marriage and family therapists, which shall include, but not be limited to, the following areas of study:

(1) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the profession's scope of practice.

(2) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, including family law.

(3) The current legal patterns and trends in the mental health profession.

(4) The psychotherapist/patient privilege, confidentiality, the patient dangerous to self or others, and the treatment of minors with and without parental consent.

(5) A recognition and exploration of the relationship between a practitioner's sense of self and human values and his or her professional behavior and ethics.

1 This course may be considered as part of the 48 semester or 72
2 quarter unit requirements contained in Section 4980.40.

3 (b) A minimum of seven contact hours of training or
4 coursework in child abuse assessment and reporting as specified
5 in Section 28 and any regulations promulgated thereunder.

6 (c) A minimum of 10 contact hours of training or coursework
7 in human sexuality as specified in Section 25, and any regulations
8 promulgated thereunder. When coursework in a master's or
9 doctor's degree program is acquired to satisfy this requirement, it
10 shall be considered as part of the 48 semester or 72 quarter unit
11 requirement contained in Section 4980.40.

12 (d) For persons who began graduate study on or after January
13 1, 1986, a master's or doctor's degree qualifying for licensure shall
14 include specific instruction in alcoholism and other chemical
15 substance dependency as specified by regulation. When
16 coursework in a master's or doctor's degree program is acquired
17 to satisfy this requirement, it shall be considered as part of the 48
18 semester or 72 quarter unit requirement contained in Section
19 4980.40.

20 (e) For persons who began graduate study during the period
21 commencing on January 1, 1995, and ending on December 31,
22 2003, a master's or doctor's degree qualifying for licensure shall
23 include coursework in spousal or partner abuse assessment,
24 detection, and intervention. For persons who began graduate study
25 on or after January 1, 2004, a master's or doctor's degree
26 qualifying for licensure shall include a minimum of 15 contact
27 hours of coursework in spousal or partner abuse assessment,
28 detection, and intervention strategies, including knowledge of
29 community resources, cultural factors, and same gender abuse
30 dynamics. Coursework required under this subdivision may be
31 satisfactory if taken either in fulfillment of other educational
32 requirements for licensure or in a separate course. The requirement
33 for coursework shall be satisfied by, and the board shall accept in
34 satisfaction of the requirement, a certification from the chief
35 academic officer of the educational institution from which the
36 applicant graduated that the required coursework is included
37 within the institution's required curriculum for graduation.

38 (f) For persons who began graduate study on or after January
39 1, 2001, an applicant shall complete a minimum of a two semester
40 or three quarter unit survey course in psychological testing. When

1 coursework in a master's or doctor's degree program is acquired
2 to satisfy this requirement, it may be considered as part of the 48
3 semester or 72 quarter unit requirement of Section 4980.40.

4 (g) For persons who began graduate study on or after January
5 1, 2001, an applicant shall complete a minimum of a two semester
6 or three quarter unit survey course in psychopharmacology. When
7 coursework in a master's or doctor's degree program is acquired
8 to satisfy this requirement, it may be considered as part of the 48
9 semester or 72 quarter unit requirement of Section 4980.40.

10 (h) The requirements added by subdivisions (f) and (g) are
11 intended to improve the educational qualifications for licensure in
12 order to better prepare future licentiates for practice, and are not
13 intended in any way to expand or restrict the scope of licensure for
14 marriage and family therapists.

15 SEC. 9. Section 4980.50 of the Business and Professions
16 Code is amended to read:

17 4980.50. (a) Every applicant who meets the educational and
18 experience requirements and applies for a license as a marriage and
19 family therapist shall be examined by the board. The examinations
20 shall be as set forth in subdivision (g) of Section 4980.40. The
21 examinations shall be given at least twice a year at a time and place
22 and under supervision as the board may determine. The board shall
23 examine the candidate with regard to his or her knowledge and
24 professional skills and his or her judgment in the utilization of
25 appropriate techniques and methods.

26 (b) The board shall not deny any applicant, who has submitted
27 a complete application for examination, admission to the licensure
28 examinations required by this section if the applicant meets the
29 educational and experience requirements of this chapter, and has
30 not committed any acts or engaged in any conduct which would
31 constitute grounds to deny licensure.

32 (c) The board shall not deny any applicant, whose application
33 for licensure is complete, admission to the written examination,
34 nor shall the board postpone or delay any applicant's written
35 examination or delay informing the candidate of the results of any
36 written examination, solely upon the receipt by the board of a
37 complaint alleging acts or conduct which would constitute
38 grounds to deny licensure.

39 (d) If an applicant for examination who has passed the written
40 examination is the subject of a complaint or is under board

1 investigation for acts or conduct that, if proven to be true, would
2 constitute grounds for the board to deny licensure, the board shall
3 permit the applicant to take the oral examination for licensure, but
4 may withhold the results of the examination or notify the applicant
5 that licensure will not be granted pending completion of the
6 investigation.

7 (e) Notwithstanding Section 135, the board may deny any
8 applicant who has previously failed either the written or oral
9 examination permission to retake either examination pending
10 completion of the investigation of any complaints against the
11 applicant. Nothing in this section shall prohibit the board from
12 denying an applicant admission to any examination, withholding
13 the results, or refusing to issue a license to any applicant when an
14 accusation or statement of issues has been filed against the
15 applicant pursuant to Sections 11503 and 11504 of the
16 Government Code, respectively, or the applicant has been denied
17 in accordance with subdivision (b) of Section 485.

18 (f) Notwithstanding any other provision of law, the board may
19 destroy all written and oral examination materials two years
20 following the date of the examination.

21 (g) On or after January 1, 2002, no applicant shall be eligible
22 to participate in an oral examination if his or her passing score on
23 the written examination occurred more than seven years before.

24 (h) An applicant who has qualified pursuant to this chapter
25 shall be issued a license as a marriage and family therapist in the
26 form that the board may deem appropriate.

27 SEC. 10. Section 4980.54 of the Business and Professions
28 Code is amended to read:

29 4980.54. (a) The Legislature recognizes that the education
30 and experience requirements in this chapter constitute only
31 minimal requirements to assure that an applicant is prepared and
32 qualified to take the licensure examinations as specified in
33 subdivision (g) of Section 4980.40 and, if he or she passes those
34 examinations, to begin practice.

35 (b) In order to continuously improve the competence of
36 licensed marriage and family therapists and as a model for all
37 psychotherapeutic professions, the Legislature encourages all
38 licensees to regularly engage in continuing education related to the
39 profession or scope of practice as defined in this chapter.

(c) (1) Except as provided in subdivision (e), on and after January 1, 2000, the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of marriage and family therapy in the preceding two years, as determined by the board.

(2) For those persons renewing during 1999, the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 18 hours of approved continuing education in or relevant to the field of marriage and family therapy, as determined by the board. The coursework of continuing education described in this paragraph may be taken on or after the effective date of the continuing education regulations adopted by the board pursuant to the other provisions of this section.

(d) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(e) The board may establish exceptions from the continuing education requirements of this section for good cause, as defined by the board.

(f) The continuing education shall be obtained from one of the following sources:

(1) An accredited school or state-approved school that meets the requirements set forth in Section 4980.40. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers, including, but not limited to, a professional marriage and family therapist association, a licensed health facility, a governmental entity, a continuing education unit of an accredited four-year institution of higher learning, or a mental health professional association, approved by the board.

(3) The board shall establish, by regulation, a procedure for approving providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1)

1 and (2), shall adhere to procedures established by the board. The
2 board may revoke or deny the right of a provider to offer
3 continuing education coursework pursuant to this section for
4 failure to comply with the requirements of this section or any
5 regulation adopted pursuant to this section.

6 (g) Training, education, and coursework by approved
7 providers shall incorporate one or more of the following:

8 (1) Aspects of the discipline that are fundamental to the
9 understanding or the practice of marriage and family therapy.

10 (2) Aspects of the discipline of marriage and family therapy in
11 which significant recent developments have occurred.

12 (3) Aspects of other disciplines that enhance the understanding
13 or the practice of marriage and family therapy.

14 (h) A system of continuing education for licensed marriage and
15 family therapists shall include courses directly related to the
16 diagnosis, assessment, and treatment of the client population being
17 served.

18 (i) On and after January 1, 1997, the board shall, by regulation,
19 fund the administration of this section through continuing
20 education provider fees to be deposited in the Behavioral Sciences
21 Fund. The fees related to the administration of this section shall be
22 sufficient to meet, but shall not exceed, the costs of administering
23 the corresponding provisions of this section. For purposes of this
24 subdivision, a provider of continuing education as described in
25 paragraph (1) of subdivision (f) shall be deemed to be an approved
26 provider.

27 (j) The continuing education requirements of this section shall
28 comply fully with the guidelines for mandatory continuing
29 education established by the Department of Consumer Affairs
30 pursuant to Section 166.

31 SEC. 11. Section 4980.80 of the Business and Professions
32 Code is amended to read:

33 4980.80. The board may issue a license to any person who, at
34 the time of application, has held for at least two years a valid
35 license issued by a board of marriage counselor examiners,
36 marriage therapist examiners, or corresponding authority of any
37 state, if the education and supervised experience requirements are
38 substantially the equivalent of this chapter and the person
39 successfully completes the board administered licensing
40 examinations as specified by subdivision (g) of Section 4980.40

1 and pays the fees specified. Issuance of the license is further
2 conditioned upon the person's completion of the following
3 coursework or training:

4 (a) A two semester or three quarter unit course in California law
5 and professional ethics for marriage, family, and child counselors
6 that shall include areas of study as specified in Section 4980.41.

7 (b) A minimum of seven contact hours of training or
8 coursework in child abuse assessment and reporting as specified
9 in Section 28 and any regulations promulgated thereunder.

10 (c) A minimum of 10 contact hours of training or coursework
11 in human sexuality as specified in Section 25 and any regulations
12 promulgated thereunder.

13 (d) A minimum of 15 contact hours of training or coursework
14 in alcoholism and other chemical substance dependency as
15 specified by regulation.

16 (e) (1) Instruction in spousal or partner abuse assessment,
17 detection, and intervention. This instruction may be taken either
18 in fulfillment of other requirements for licensure or in a separate
19 course.

20 (2) On and after January 1, 2004, a minimum of 15 contact
21 hours of coursework or training in spousal or partner abuse
22 assessment, detection, and intervention strategies.

23 (f) On and after January 1, 2003, a minimum of a two semester
24 or three quarter unit survey course in psychological testing. This
25 course may be taken either in fulfillment of other requirements for
26 licensure or in a separate course.

27 (g) On and after January 1, 2003, a minimum of a two semester
28 or three quarter unit survey course in psychopharmacology. This
29 course may be taken either in fulfillment of other requirements for
30 licensure or in a separate course.

31 (h) With respect to human sexuality, alcoholism and other
32 chemical substance dependency, spousal or partner abuse
33 assessment, detection, and intervention, psychological testing, and
34 psychopharmacology, the board may accept training or
35 coursework acquired out of state.

36 SEC. 12. Section 4984.4 of the Business and Professions
37 Code is amended to read:

38 4984.4. A license that is not renewed within five years after
39 its expiration may not be renewed, restored, reinstated, or reissued

thereafter, but the licensee may apply for and obtain a new license if:

(a) No fact, circumstance, or condition exists that, if the license were issued, would justify its revocation or suspension.

(b) He or she pays the fees that would be required if he or she were applying for a license for the first time.

(c) He or she takes and passes the current licensing examinations as specified in subdivision (g) of Section 4980.40.

SEC. 13. Section 4996.1 of the Business and Professions Code is amended to read:

4996.1. The board shall issue a ~~licensed~~ clinical social worker license to each applicant who qualifies pursuant to this article and successfully passes a board administered written or oral examination or both examinations. An applicant who has successfully passed a previously administered written examination may be subsequently required to take and pass another written examination.

SEC. 14. Section 4996.6 of the Business and Professions Code is amended to read:

4996.6. (a) The renewal fee for licenses that expire on or after January 1, 1996, shall be a maximum of one hundred fifty-five dollars (\$155) and shall be collected on a biennial basis by the board in accordance with Section 152.6. The fees shall be deposited in the State Treasury to the credit of the Behavioral Sciences Fund.

(b) Licenses issued under this chapter shall expire no more than 24 months after the issue date. The expiration date of the original license shall be set by the board.

(c) To renew an unexpired license, the licensee shall, on or before the expiration date of the license, do the following:

(1) Apply for a renewal on a form prescribed by the board.

(2) Pay a two-year renewal fee prescribed by the board.

(3) Certify compliance with the continuing education requirements set forth in Section 4996.22.

(4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.

1 (d) If the license is renewed after its expiration, the licensee
2 shall, as a condition precedent to renewal, also pay a delinquency
3 fee of seventy-five dollars (\$75).

4 (e) Any person who permits his or her license to become
5 delinquent may have it restored at any time within five years after
6 its expiration upon the payment of all fees that he or she would
7 have paid if the license had not become delinquent, plus the
8 payment of all delinquency fees.

9 (f) A license that is not renewed within five years after its
10 expiration may not be renewed, restored, reinstated, or reissued
11 thereafter; however, the licensee may apply for and obtain a new
12 license if:

13 (1) No fact, circumstance, or condition exists that, if the license
14 were issued, would justify its revocation or suspension.

15 (2) He or she pays the fees that would be required if he or she
16 were applying for a license for the first time.

17 (3) He or she takes and passes the current licensing
18 examinations as specified in Section 4996.1.

19 (g) The fee for issuance of any replacement registration,
20 license, or certificate shall be twenty dollars (\$20).

21 (h) The fee for issuance of a certificate or letter of good
22 standing shall be twenty-five dollars (\$25).

23 SEC. 15. Section 4996.17 of the Business and Professions
24 Code is amended to read:

25 4996.17. (a) Experience gained outside of California shall be
26 accepted toward the licensure requirements if it is substantially the
27 equivalent of the requirements of this chapter. The board may issue
28 a license to any person who, at the time of application, has held a
29 valid license, issued by a board of clinical social work examiners
30 or corresponding authority of any state, for two years if the
31 education and supervised experience requirements are
32 substantially the equivalent of this chapter and the person
33 successfully completes the board administered licensing
34 examinations as specified in Section 4996.1 and pays the required
35 fees. Issuance of the license is conditioned upon the person's
36 completion of the following coursework and training:

37 (1) A minimum of seven contact hours of training or
38 coursework in child abuse assessment and reporting as specified
39 in Section 28, and any regulations promulgated thereunder.

1 (2) A minimum of 10 contact hours of training or coursework
2 in human sexuality as specified in Section 25, and any regulations
3 promulgated thereunder.

4 (3) A minimum of 15 contact hours of training or coursework
5 in alcoholism and other chemical substance dependency, as
6 specified by regulation.

7 (4) (A) Instruction in spousal or partner abuse assessment,
8 detection, and intervention. This instruction may be taken either
9 in fulfillment of other requirements for licensure or in a separate
10 course.

11 (B) On and after January 1, 2004, a minimum of 15 contact
12 hours of coursework or training in spousal or partner abuse
13 assessment, detection, and intervention strategies.

14 (5) With respect to paragraphs (2), (3), and (4), the board may
15 accept training or coursework acquired out of state.

16 (b) A person who qualifies for licensure based on experience
17 gained outside California may apply for and receive an associate
18 registration to practice clinical social work.

19 SEC. 16. Section 5801 of the Business and Professions Code
20 is amended to read:

21 5801. A certified interior designer may obtain a stamp from
22 an interior design organization that shall include a number that
23 uniquely identifies and bears the name of that certified interior
24 designer. The stamp certifies that the interior designer has
25 provided the interior design organization with evidence of passage
26 of an interior design examination approved by that interior design
27 organization and any of the following:

28 (a) He or she is a graduate of a four or five-year accredited
29 interior design degree program, and has two years of diversified
30 interior design experience.

31 (b) He or she has completed a three-year accredited interior
32 design certificate program, and has completed three years of
33 diversified interior design experience.

34 (c) He or she has completed a two-year accredited interior
35 design program and has completed four years of diversified
36 interior design experience.

37 (d) He or she has a combination of interior design education
38 and diversified interior design experience that together total at
39 least eight years.

1 SEC. 17. Section 5810 of the Business and Professions Code
2 is amended to read:

3 5810. (a) This chapter shall be subject to the review required
4 by Division 1.2 (commencing with Section 473).

5 (b) This chapter shall remain in effect only until January 1,
6 2006, and as of that date is repealed, unless a later enacted statute,
7 that is enacted before January 1, 2006, deletes or extends that date.

8 SEC. 18. Section 5811 of the Business and Professions Code
9 is repealed.

10 SEC. 19. Section 5811 is added to the Business and
11 Professions Code, to read:

12 5811. An interior design organization issuing stamps under
13 Section 5801 shall provide to the Joint Legislative Sunset Review
14 Committee by September 1, 2005, a report that reviews and
15 assesses the costs and benefits associated with the California Code
16 and Regulations Examination and explores feasible alternatives to
17 that examination.

18 SEC. 20. *Section 7069 of the Business and Professions Code*
19 *is amended to read:*

20 7069. (a) An applicant, and each officer, director, partner,
21 associate and responsible managing employee thereof, shall not
22 have committed acts or crimes ~~which~~ *that* are grounds for denial
23 of licensure under Section 480.

24 (b) As part of an application for a contractor's license, the
25 board shall require an applicant to furnish a full set of fingerprints
26 for purposes of conducting a criminal history record check.
27 Fingerprints furnished pursuant to this subdivision shall be
28 submitted in an electronic format ~~where~~ *if* readily available.
29 Requests for alternative methods of furnishing fingerprints are
30 subject to the approval of the registrar. The board shall use the
31 fingerprints furnished by an applicant to obtain criminal history
32 information on the applicant from the Department of Justice and
33 the United States Federal Bureau of Investigation, ~~including~~ *and*
34 *the board may obtain* any subsequent arrest information *that is*
35 available. This subdivision shall become operative on ~~January~~ *July*
36 1, 2004.

37 SEC. 21. Section 7607 of the Business and Professions Code
38 is amended to read:



1 7607. The bureau may inspect the premises in which the
2 business of a funeral director is conducted, where embalming is
3 practiced, or where human remains are stored.

4 ~~SEC. 21.~~

5 SEC. 22. Section 7631 of the Business and Professions Code
6 is amended to read:

7 7631. In case of the death of a licensed funeral director who
8 leaves a funeral establishment as part or all of the assets of his or
9 her estate, the bureau may issue a temporary license to his or her
10 legal representative, unless the legal representative has committed
11 acts or crimes constituting grounds for denial of licensure under
12 Section 480. A temporary establishment license is valid for six
13 months from the date of issue. However, upon the petition of the
14 estate's legal representative, the bureau, in its discretion, may
15 grant a reasonable extension to allow for the assets of the estate to
16 be distributed as circumstances warrant.

17 ~~SEC. 22.~~

18 SEC. 23. Section 7632 of the Business and Professions Code
19 is amended to read:

20 7632. Every funeral director shall cause all human remains
21 embalmed in or at the direction of his or her funeral establishment
22 to be embalmed by a licensed embalmer, or by an apprentice
23 embalmer under the supervision of his or her licensed supervising
24 embalmer.

25 ~~SEC. 23.~~

26 SEC. 24. Section 7649 of the Business and Professions Code
27 is amended to read:

28 7649. Except as provided in Section 102805 of the Health and
29 Safety Code, whenever the name of any licensed embalmer is
30 subscribed to any certificate, the purport of which is that he or she
31 has performed any act mentioned in the certificate, the licensed
32 embalmer shall actually sign his or her name thereto.

33 ~~SEC. 24.~~

34 SEC. 25. Section 7706 of the Business and Professions Code
35 is amended to read:

36 7706. Refusing to surrender promptly the custody of human
37 remains, the personal effects, and ~~all public documents pertaining~~
38 ~~to the human remains,~~ *any certificate or permit required under*
39 *Division 102 (commencing with Section 102100) of the Health and*
40 *Safety Code that is in the possession or control of the licensee upon*

1 the express order of the person lawfully entitled to custody of the
2 human remains constitutes a ground for disciplinary action.

3 ~~SEC. 25.~~

4 *SEC. 26.* Section 7725 of the Business and Professions Code
5 is amended to read:

6 7725. A license issued under this chapter shall expire each
7 year on the last day of the month in which the license was
8 originally issued. To renew an unexpired license, the licenseholder
9 shall on or before the date on which it would otherwise expire,
10 apply for renewal on a form prescribed by the bureau, and pay the
11 renewal fee prescribed by this chapter.

12 The bureau shall mail to each licensed funeral establishment,
13 funeral director, and embalmer, addressed to him or her at his or
14 her address of record, a notice that a renewal fee is due and
15 payable.

16 ~~SEC. 26.~~

17 *SEC. 27.* Section 7887 of the Business and Professions Code
18 is amended to read:

19 7887. The amount of the fees prescribed by this chapter shall
20 be fixed by the board in accordance with the following schedule:

21 (a) The fee for filing each application for registration as a
22 geologist or a geophysicist or certification as a specialty geologist
23 or a specialty geophysicist and for administration of the
24 examination at not more than two hundred and fifty dollars (\$250).

25 (b) The registration fee for a geologist or for a geophysicist and
26 the fee for the certification in a specialty shall be fixed at an amount
27 equal to the renewal fee in effect on the last regular renewal date
28 before the date on which the certificate is issued, except that, with
29 respect to certificates that will expire less than one year after
30 issuance, the fee shall be fixed at an amount equal to 50 percent of
31 the renewal fee in effect on the last regular renewal date before the
32 date on which the certificate is issued. The board may, by
33 appropriate regulation, provide for the waiver or refund of the
34 initial certificate fee where the certificate is issued less than 45
35 days before the date on which it will expire.

36 (c) The duplicate certificate fee at not more than six dollars
37 (\$6).

38 (d) The temporary registration fee for a geologist or for a
39 geophysicist at not more than eighty dollars (\$80).

(e) The renewal fee for a geologist or for a geophysicist shall be fixed by the board at not more than four hundred dollars (\$400).

(f) The renewal fee for a specialty geologist or for a specialty geophysicist at not more than one hundred dollars (\$100).

(g) Notwithstanding Section 163.5, the delinquency fee for a certificate is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date.

(h) Each applicant for registration as a geologist shall pay an examination fee fixed by the board at an amount equal to the actual cost to the board for the purchase of a national examination for geologists created by a nationally recognized entity approved by the board, including a supplemental California specific examination, and shall not exceed three hundred dollars (\$300).

(i) Each applicant for registration as a geophysicist or certification as an engineering geologist or certification as a hydrogeologist shall pay an examination fee fixed by the board at an amount equal to the actual cost to the board for the development and maintenance of the written examination, and shall not exceed one hundred dollars (\$100).

~~SEC. 27.~~

SEC. 28. Section 9653 of the Business and Professions Code is amended to read:

9653. (a) In making the examination the bureau:

(1) Shall have free access to the books and records relating to the trust funds, their collection and investment, and the number of graves, crypts, and niches under endowment care.

(2) Shall inspect and examine the trust funds to determine their condition and the existence of the investments.

(3) Shall ascertain if the cemetery corporation has complied with all the laws applicable to trust funds.

(b) Upon request by the bureau, a cemetery authority shall provide records to substantiate the expenditures of the income of the trust funds. If a cemetery authority fails to reasonably comply with this request, the bureau may have access to books, records, and accounts of a cemetery authority for purposes of ascertaining compliance with applicable laws.

~~SEC. 28.~~

SEC. 29. Section 9719 of the Business and Professions Code is amended to read:

1 9719. The bureau shall inspect the books, records, and
2 premises of any crematory licensed under this chapter. In making
3 those inspections, the bureau shall have access to all books and
4 records, the crematory building, the cremation chambers or
5 furnaces, and the storage areas for human remains before and after
6 cremation, during regular office hours or the hours the crematory
7 is in operation. No prior notification of the inspection is required
8 to be given to the crematory licensee. If any crematory licensee
9 fails to allow that inspection or any part thereof, it shall be grounds
10 for the suspension or revocation of a license or other disciplinary
11 action against the licensee. All proceedings under this section shall
12 be conducted in accordance with the provisions of this chapter
13 relating to disciplinary proceedings.

14 ~~SEC. 29.~~

15 *SEC. 30.* Section 9768 of the Business and Professions Code
16 is amended to read:

17 9768. It is a misdemeanor for any cemetery corporation to
18 make any interments without a valid certificate of authority. Each
19 interment shall be a separate violation.

20 ~~SEC. 30.~~

21 *SEC. 31.* Section 9781.5 is added to the Business and
22 Professions Code, to read:

23 9781.5. The provisions of Article 5 (commencing with
24 Section 8340) of Chapter 2 of Part 3 of Division 8 of the Health
25 and Safety Code shall apply to crematories licensed under this
26 chapter.

27 ~~SEC. 31.~~

28 *SEC. 32.* Section 9788 of the Business and Professions Code
29 is amended to read:

30 9788. It is a misdemeanor for any person, firm, or corporation
31 to cremate human remains or to engage in the disposition thereof
32 without a valid, unexpired crematory license. Each cremation shall
33 be a separate violation.

34 ~~SEC. 32.~~

35 *SEC. 33.* *Section 22251 of the Business and Professions Code*
36 *is amended to read:*

37 22251. For the purposes of this chapter, the following words
38 have the following meanings:

39 (a) (1) Except as otherwise provided in paragraph (2), “tax
40 preparer” includes:

(A) A person who, for a fee or for other consideration, assists with or prepares tax returns for another person or who assumes final responsibility for completed work on a return on which preliminary work has been done by another person, or who holds himself or herself out as offering those services. A person engaged in that activity shall be deemed to be a separate person for the purposes of this chapter, irrespective of affiliation with, or employment by, another tax preparer.

(B) A corporation, partnership, association, or other entity that has associated with it persons not exempted under Section 22258, which persons shall have as part of their responsibilities the preparation of data and ultimate signatory authority on tax returns or that holds itself out as offering those services or having that authority.

(2) Notwithstanding paragraph (1), “tax preparer” does not include an employee who, as part of the regular clerical duties of his or her employment, prepares his or her employer’s income, sales, or payroll tax returns.

(b) “Tax return” means a return, declaration, statement, refund claim, or other document required to be made or filed in connection with state or federal income taxes or state bank and corporation franchise taxes.

(c) An “approved curriculum provider,” for purposes of basic instruction as described in subdivision (a) of Section 22255, and continuing education as described in subdivision (b) of Section 22255, is one who has been approved by the council as defined in subdivision (d). A curriculum provider who is approved by the tax education council is exempt from Chapter 7 (commencing with Section 94700) of Part 59 of Division 10 of the Education Code.

(d) “Council” means the California Tax Education Council that is a single organization made up of not more than one representative from each professional society, association, or other entity operating as a ~~California~~ nonprofit corporation that chooses to participate in the council and that represents tax preparers, enrolled agents, attorneys, or certified public accountants with a membership *in California* of at least 200 for the last three years, and not more than one representative from each for-profit tax preparation corporation that chooses to participate in the council and that has at least 200 employees and has been operating in California for the last three years. The council shall establish a

process by which two individuals who are tax preparers pursuant to Section 22255 are appointed to the council with full voting privileges to serve terms as determined by the council, with their initial terms being served on a staggered basis. A person exempt from the requirements of this chapter pursuant to Section 22258 is not eligible for appointment to the council, other than an employee of an individual in an exempt category.

SEC. 34. Section 7053 of the Health and Safety Code is amended to read:

7053. Every person who arrests, attaches, detains, or claims to detain any human remains for any debt or demand, or upon any pretended lien or charge, or fails to release any human remains, *the personal effects, or any certificate or permit required under Division 102 (commencing with Section 102100) that is in his or her possession or control* forthwith upon the delivery of authorization for ~~such~~ *the* release signed by the next of kin or by any person entitled to the custody of ~~such~~ *the* remains, is guilty of a misdemeanor.

SEC. 35. Section 8277 of the Health and Safety Code is amended to read:

8277. Every contract of a cemetery authority, including contracts executed in behalf thereof by a cemetery broker or ~~salesman~~ *salesperson*, which provides for the sale by the cemetery authority of an interment plot or any service or merchandise, shall be in writing and shall contain all of the agreements of the parties. ~~Such a~~ *The* contract shall include and disclose the following:

- (a) The total contract price.
- (b) Terms of payment, including any promissory notes or other evidences of indebtedness.
- (c) An itemized statement of charges including, as applicable, the following:
 - (1) Charges for an interment plot.
 - (2) Charges for performing burial, entombment, or inurnment.
 - (3) Charges for a monument or marker.
 - (4) Charges for any services to be rendered in connection with any religious or other observance at the site of interment or in any facility maintained by the cemetery.
 - (5) Amounts to be deposited in any endowment care or special care fund.

1 (6) Charges for any insurance to be provided in connection with
2 the contract.

3 (7) Any other charges, which shall be particularized.

4 (8) Space and location sold.

5 ~~SEC. 33.~~

6 *SEC. 36.* No reimbursement is required by this act pursuant
7 to Section 6 of Article XIII B of the California Constitution
8 because the only costs that may be incurred by a local agency or
9 school district will be incurred because this act creates a new crime
10 or infraction, eliminates a crime or infraction, or changes the
11 penalty for a crime or infraction, within the meaning of Section
12 17556 of the Government Code, or changes the definition of a
13 crime within the meaning of Section 6 of Article XIII B of the
14 California Constitution.

